

# EXHIBIT G

1 LISA FUTCH  
2 UNITED STATES vs STATE OF GEORGIA

3 October 25, 2022

4 1

5 1 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF GEORGIA

7 3 UNITED STATES OF AMERICA,

8 4 Plaintiff,

9 5 vs.

10 6 NUMBER  
11 7 1:16-CV-03088-ELR

12 14 STATE OF GEORGIA,

13 15 Defendant.

16 17 -----/

18 18 The video conference videotaped  
19 19 deposition of LISA FUTCH, a witness in the  
20 20 above-entitled cause, taken pursuant to Notice  
21 21 and agreement, before Kyle J. Saniga, Certified  
22 22 Court Reporter and Notary Public with all  
23 23 parties at their respective locations on the  
24 24 25th day of October 2022, commencing at or about  
25 25 the hour of 9:03 a.m.

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1       ourselves. The DOE does not do this on our  
2 information. We talk through it at the end with  
3 them -- Okay? -- but this is really -- the only  
4 time we complete this plan here is at our  
5 post -- Okay? -- for the other two, we don't.

6               And the self-assessment itself, like  
7 the first one is not even required. Some of us  
8 do it, some of us don't, but the mid-year, the  
9 one before December, January is required and the  
10 post.

11               So this is just -- this last one is  
12 done as a result of our post ratings and this  
13 document here basically talks about, you know,  
14 our priority, you know, where we're prioritizing  
15 for the upcoming year and what -- you know, or  
16 how we plan to sustain, if we got a higher  
17 rating, how we plan to sustain that, or how  
18 we're going to make improvements in that area if  
19 it's a low rating.

20       Q        Okay. As part of the self-assessment  
21 or as part of the strategic plan process, it  
22 sounds like you have an opportunity to sit  
23 down -- or maybe you should tell me.

24               Is there an opportunity where you're  
25 able to sit down with state DOE personnel to

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1 talk through your plan and assessments?

2 A Yes. They actually send us -- now  
3 before COVID, they actually came to every  
4 program. But after COVID, they send us an  
5 e-mail with our dates for our virtual meeting  
6 and, of course, we have -- they give us a  
7 deadline to have everything submitted because  
8 all the documentation actually goes into the DOE  
9 portal. And so we get our date, our meeting  
10 date is virtual, and we do it virtually and we  
11 go through it.

12 Q Who from the state DOE participates in  
13 this meeting?

14 A Vickie Cleveland and Lakesha Stevenson.

15 Q And when you say you go through the  
16 plan, what does that look like? Are they  
17 providing you with feedback? What else happens  
18 during those meetings?

19 A Yes. They provide us with feedback.  
20 So we go through each area, you know, with our  
21 ratings and, you know, I'm pretty honest with,  
22 you know, weaknesses and stuff, but, you know,  
23 they provide us with feedback and then, you  
24 know, I think at the end -- you know, and they  
25 tell us typically whether they agreed or not.

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1                   Like -- you know, and it's really not  
2 threatening at all, you know, and, you know,  
3 based on, you know, they'll say, well, you know,  
4 well, you know, I agree with that, yeah, and  
5 I've not ever had them disagree or anything with  
6 me. I mean, I'm not really waiting for them to  
7 agree. They don't automatically say it, but  
8 most of the time they do, and so that's pretty  
9 much it.

10                  Q     And earlier you mentioned that at the  
11 beginning, the state DOE would provide the  
12 programs with the state's own rating; is that  
13 correct?

14                  A     Yes. The first two, if I'm not  
15 mistaken, the first two ratings actually ranked  
16 us, and I don't know if they meant to do that  
17 but it ranked us by scores and they sent it out  
18 to everybody.

19                  Q     Okay.

20                  A     I don't know if they meant to do that.  
21 Maybe they just meant to list it, I don't know  
22 but -- but they stopped doing that. I think a  
23 lot of GNETS directors complained.

24                  Q     Okay. I was just going to ask you, do  
25 you know why that changed?

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1                   And I want to ask you about a few other  
2 just statewide committees and/or meetings that  
3 need your participation.

4                   Do you participate in the statewide  
5 GNETS director meetings?

6                   A      I do.

7                   Q      What are those meetings?

8                   A      It's a way for GNETS directors to get  
9 together and collaborate, and also the DOE  
10 usually provides an update on, you know -- or  
11 some type of TA or professional learning.

12                  Q      Who participates in those meetings on  
13 behalf of the state?

14                  A      Vickie Cleveland, Lakesha Stevenson,  
15 and then, of course, if the area -- whatever  
16 area they decided to provide TA on, that  
17 particular DOE person provides that  
18 presentation.

19                  Q      Have you ever served on the GNETS  
20 director's executive committee?

21                  A      No, ma'am.

22                  Q      Do you know what their role is?

23                  A      To listen to the GNETS directors, to  
24 help plan with the state, bring our concerns,  
25 you know. They always plan -- you know, with

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1 Vickie, they planned the directors meetings, you  
2 know, Vickie -- you know, they get together and  
3 they plan with her and, you know, if we do any  
4 kind of, you know, GNET statewide professional  
5 learning, sometimes we do that in the summer, we  
6 plan that. So anything relative to that.

7 Q And how often does the -- do you all  
8 meet as GNET directors?

9 A We used to meet monthly. We don't do  
10 that anymore. I mean, maybe every other month  
11 or so, and it's usually an hour.

12 Q And are those meetings in person or  
13 virtual?

14 A Virtual.

15 Q Do you find those meetings to be  
16 helpful in your role as the GNETS director?

17 A No.

18 Q Can you elaborate?

19 A The technical assistance being  
20 provided, no.

21 I mean, I've been here doing this, a  
22 lot of the technical service provided is for new  
23 directors. You know, and I get it, if there are  
24 changes, we need to hear it.

25 Occasionally, there's new information

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1 is the fiscal agent of Coastal. So they decided  
2 to go there with Oconee and RESA at that point.  
3 And it has been -- I mean, it did what I thought  
4 it would do, if that makes sense as far as  
5 staffing purposes and focus and all for Coastal  
6 Academy.

7 Q And you said that change took effect  
8 this current school year?

9 A Yes.

10 Q Have there been any other changes in  
11 the school districts or counties served by  
12 Coastal Academy in the last five to six years?

13 A Yes. Wayne County was served by  
14 Cedarwood, and I believe that was four years  
15 ago, and they came to me because they're Baxley,  
16 the Baxley site.

17 One of their sites closed, the  
18 Cedarwood sites, and my Liberty site was closer,  
19 actually, only 20 minutes or 30 minutes from  
20 them to transport their kids versus where they  
21 were going to have to transport them -- or  
22 actually -- yeah.

23 And so Wayne County came over to then  
24 Coastal Academy. And that was a very easy swap  
25 because Coastal Academy and Cedarwood have the

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1 same fiscal agent, First District RESA, so yeah.

2 Q When these changes are made, do you  
3 have to alert the state DOE?

4 A I do, and I did.

5 Q And what is their role, if any, in the  
6 process after they've been alerted?

7 A Well, with the Wayne County one, you  
8 know, they really were like, oh, this is simple,  
9 you guys are under the same fiscal agent, yes.  
10 You know, they just kind gave us some guidance,  
11 you know, with that and noted, you know, that  
12 swap.

13 And with the Camden County this year, I  
14 got, okay, let me know when, you know, the  
15 decision is made, and I tried to get some  
16 guidance but I got -- you know, because this was  
17 a bigger issue because it wasn't the same fiscal  
18 agent. We have materials. We have inventory.  
19 We have, you know, all these things and, you  
20 know -- so told me to talk to my business folks  
21 at First District RESA.

22 So I talked to them, they told me to  
23 talk to my person at the DOE, which I had  
24 already talked to and went back to and, you  
25 know, they referred me to somewhere else and we

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1 just eventually wound up working it out between  
2 the two RESA's and GNETS programs.

3 Q I'm going to show you a document. One  
4 moment.

5 I'd like for the court reporter to mark  
6 this next document as Plaintiff's Exhibit 542.

7 (Whereupon, Plaintiff's Exhibit  
8 Number 542 was marked for  
9 identification.)

10 BY MS. HAMILTON:

11 Q And, Ms. Futch, I'm now showing you  
12 Plaintiff's Exhibit 542. This is an e-mail  
13 dated March 21, 2019.

14 A Yes.

15 Q From you to Vickie Cleveland, other  
16 individuals copied. The subject is Wayne County  
17 School System GNETS relocation FY20 --

18 A Uh-huh.

19 Q -- as an attachment. The first page --  
20 I'm just going to scroll down -- is Bate stamped  
21 GA01064131.

22 A Uh-huh.

23 Q I'll give you control if you want to  
24 take a quick moment to scan the document and  
25 then let me know when you're ready.

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1 A I remember this document, but I just  
2 want to look at the plan again.

3 Q Okay.

4 A And I remember this -- the plan -- I  
5 mean, the -- what -- when this was developed as  
6 well.

7 Q Okay.

8 A Yes. Yes, it's mine.

9 Q All right. So is this communication  
10 connected to what you were sharing a moment ago  
11 about Wayne County becoming part of your GNETS  
12 program?

13 A Yes. And we did -- we had a -- this  
14 document was provided to us by the DOE, provided  
15 to all GNETS directors because there had been a  
16 couple others that had changed or whatever GNETS  
17 programs or whatever and they'd been provided to  
18 us at that time and which, you know, was  
19 somewhat helpful.

20 It helped me think through the process,  
21 plan it out, things that needed to be done, and,  
22 you know, again, we were supposed to submit that  
23 to the DOE and, you know, they would give us any  
24 feedback or guidance and, you know, take it from  
25 there or whatever. And that we did and it went

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1       extremely, extremely smooth, but for the  
2       Camden --

3           Q        Okay. And I'm just going to scroll  
4       down to the -- this plan that you're referring  
5       to.

6                   Is this document still currently being  
7       used?

8           A        No. Well, I asked about it.

9           Q        Do you --

10          A        Yeah, I don't know about any others,  
11       but I asked about it for this past Camden and I  
12       was told, no, that we just needed to let them  
13       know.

14          Q        Okay. So you -- this form GA -- the  
15       state DOE was not using this form when you were  
16       doing the Camden transition?

17          A        Yeah.

18          Q        Okay. I just want to look at a few of  
19       the areas that are listed here as part of the  
20       reintegration or relocation action plan.

21          A        Uh-huh.

22          Q        So what was your understanding of the  
23       purpose of this document?

24          A        My understanding was just that -- you  
25       know, that this would be a plan that we would

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1 A No, ma'am.

2 Q Okay. So I want to focus on the state  
3 funding for now.

4 What is the process that you follow in  
5 order to receive the GNETS state grant funds?

6 A The process that we follow to do that  
7 is making sure that our students are all  
8 captured by each LEA served, their student  
9 record, and that's in June. That's filed  
10 sometime in June, usually, each year.

11 Q Do you complete an application?

12 A Oh, sorry, yes. If you want all that,  
13 yes, I do. We submit an annual grant  
14 application every year.

15 Q And who do you submit that to?

16 A It's -- if I submit it up in -- you  
17 know, we put it -- well, actually, we complete  
18 it in the DOE portal, the DOE portal, but Vickie  
19 and Lakesha, they review that.

20 Q When the application is approved by the  
21 state DOE, are there specific purposes for which  
22 you can use the funds?

23 A Well, we have to follow the state and  
24 federal guidelines. So, yes, absolutely, you  
25 know, there are specific, you know, things that

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1 approve even before my fiscal agent does, so it  
2 goes there, so.

3 Now, federal, it's a little more -- the  
4 federal regs are a little stricter on what we  
5 can and can't use money for, but we follow those  
6 federal regs that all our local school systems  
7 have to follow with IDA money. And -- but,  
8 again, it's, you know, in addition to, you know,  
9 support, you know, what's needed.

10 And, of course, then we answer those --  
11 well, not answer, but, you know, especially if  
12 it's interventions and things that we're buying,  
13 we have to make sure that we appropriately  
14 categorize them, you know, rate them under  
15 evidence-based or, you know, those types of  
16 things.

17 Q I want to show you a document, and I  
18 would like for the court reporter to mark this  
19 is Plaintiff's Exhibit 552.

20 (Whereupon, Plaintiff's Exhibit  
21 Number 552 was marked for  
22 identification.)

23 BY MS. HAMILTON:

24 Q Ms. Futch, I'm currently showing you  
25 Plaintiff's Exhibit 152.

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1 A Yes.

2 Q This a March 2018 e-mail chain between  
3 you, Vickie Cleveland, and Amber McCollum and  
4 some other individuals. The Bates stamp number  
5 on this document is GA000829 --

6 A Uh-huh.

7 Q -- 98.

8 A Uh-huh.

9 Q Let me make sure -- let me give you  
10 control just to take a moment to scroll through,  
11 and then let me know when you're ready.

12 A Yes, I'm ready.

13 Q Okay. Do you recognize this document?

14 A I do.

15 Q Okay. So I want to start at the  
16 beginning of the e-mail chain. This was the  
17 e-mail dated March 13th, 2018 that you sent to  
18 Amber McCollum and Eric Moody.

19 Do you see that?

20 A I do, uh-huh.

21 Q Who is Amber McCollum?

22 A At that time, I believe she was like  
23 one of the program specialists or program  
24 manager. Like, she was our budget -- you know,  
25 everybody is assigned a district -- a budget

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1 person. She was our budget -- GNETS budget  
2 person.

3 Q Okay. And who is Eric Moody?

4 A He is the CFO at First District RESA.

5 Q What was the issue that you were  
6 bringing to their attention?

7 A Well, I -- again, somata sensory input  
8 here. I am starting or beginning the  
9 implementation of my trauma-informed care. I  
10 had done a little bit of research in this and  
11 aromatherapy and things of such and combining  
12 other whatever.

13 I wanted to spend some grant money to  
14 provide this at -- for all students at -- like a  
15 diffuser in each classroom with the oils, right?  
16 And so I wanted at first to use federal money  
17 because, you know, my understanding, it is a,  
18 you know -- I have the research and I did, later  
19 on, send additional research that -- where it's  
20 based off of and it -- you know, for  
21 intervention purposes and the impact it has on  
22 mood and, you know, brain and regulation and  
23 things like that.

24 So I asked if I could use federal money  
25 instead of state, and Amber said, no, that

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1       needed to be in IEP. And I was like, oh, Amber,  
2       please. No, I didn't say that but, you know,  
3       everything that we buy in federal dollars is not  
4       always in the IEP, you know, but that's okay. I  
5       went back because, you know -- and, I mean, I  
6       had the state money so I just took it out of  
7       state.

8           Q       And it looks like you also -- Vickie  
9       Cleveland was also added to the e-mail chain at  
10      some point.

11                   What was her position on whether  
12      federal funding could be used?

13           A       Well, I had discussed it with her  
14      first.

15           Q       Okay.

16           A       Yeah, and she recommended, you know --  
17      well, I discussed it with Eric Moody first,  
18      who's my CFO, and he was like, talk to Vickie,  
19      talk to your DOE. I talked to my person,  
20      Vickie, and Vickie said, you know what? I think  
21      so but I'm not sure, let's talk to Amber. And  
22      so that's why I cc'd her, just make her, you  
23      know, knowledgeable that I had done that.

24           Q       Okay. So their position, ultimately,  
25      was that federal funding couldn't be used to

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1 cover those expenses --

2 A Yes.

3 Q -- is that correct?

4 Okay. And state funding was  
5 appropriate for those expenses?

6 A Yes, uh-huh.

7 Q Okay. And what is your sense regarding  
8 the distinction between when you can use federal  
9 funding versus state -- GNETS state grant  
10 funding --

11 A I'm going to be honest with you, they  
12 go back and forth. And so my sense, I mean, I'm  
13 like, um, so -- but my sense -- I can tell you  
14 this, it is easier to buy with state money than  
15 federal, just, I mean, -- and I know that  
16 everything, there has to be, I mean, justified,  
17 of course, and research-based, and I've never  
18 asked for anything that wasn't.

19 But, you know, as far as federal cost,  
20 again, federal regs and the DOE, they're a  
21 little more, they're -- you know, they're more  
22 strict, more rigid with federal dollars.

23 Q Okay. I'm going to show you another  
24 document.

25 I'd like for the court reporter to mark

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1 this document as Plaintiff's Exhibit 553.

2 (Whereupon, Plaintiff's Exhibit  
3 Number 553 was marked for  
4 identification.)

5 BY MS. HAMILTON:

6 Q Ms. Futch, I'm showing you Plaintiff's  
7 Exhibit 553. This is a January 20th, 2022  
8 e-mail request from you to Vickie Cleveland with  
9 the subject line, project based learning.

10 A Uh-huh.

11 Q And I also note that there is an  
12 attachment to this document. The Bates stamp  
13 number is GA00357358.

14 If you want to take a moment to look at  
15 it, feel free.

16 A Yeah, I know what it's -- yeah.

17 Q Okay. Do you recognize this document?

18 A I do.

19 Q Okay. On January 20th, 2020, you  
20 e-mailed Vickie Cleveland to inquire whether you  
21 could use state funds for project-based learning  
22 activity; is that correct?

23 A Yes.

24 Q What was the activity?

25 A It was -- I believe that my -- this was

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1 my teacher that was in my autism room, so it was  
2 project-based learning. And, again, to make  
3 sure -- it was a gardening project with  
4 students, so -- and growing, things like that.

5 Q Okay. Why did you believe that this  
6 purchase should be covered by state funds?

7 A Well, I mean, actually, I was a hundred  
8 -- almost -- well, 90 percent sure it should be  
9 state funds and I had called prior to writing  
10 this e-mail, Eric Moody, and said Eric,  
11 heads-up, this is what I called for. I called  
12 to let him know I'm buying this, you know, or  
13 going to submit this and I don't want you to  
14 think this is what this is for because, you  
15 know, I'm asking for seeds and things like that.

16 And he said, oh, yeah, state is -- it  
17 probably can come from state, but reach out to  
18 Vickie Cleveland and make sure or reach out --  
19 he calls her my DOE person to make sure and I  
20 said, okay. So my RESA e-mail for things  
21 documented it, so I did.

22 And the reason I thought it should be  
23 state is after the last thing, I was pretty sure  
24 it wasn't going to be federal. And -- and  
25 anyway, so that's the e-mail and, yeah, it was

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1 state.

2 Q Okay. And so I don't have the response  
3 that you received from Ms. Cleveland, but are  
4 you confirming that she did say this --

5 A Yeah, she didn't respond to me in an  
6 e-mail, she called me and she told me state was  
7 fine.

8 Q Okay. Did Amber McCollum need to be on  
9 this e-mail chain?

10 A You know, I don't know. You know, she  
11 was on the first one just because Vickie told me  
12 to e-mail her, you know, and -- but this was --  
13 you know, and I -- see, I'd called Vickie on  
14 that first one prior to e-mailing her so this, I  
15 just shot Vickie an e-mail, I mean, you know,  
16 like my first step, so...

17 Q Okay. But it's not a formal protocol  
18 where you have to copy --

19 A No, there is no formal protocol for any  
20 -- no, none. This is just me, you know, doing  
21 what RESA told me, but also, I mean, you know,  
22 trying to make sure I do the right thing, you  
23 know?

24 Q Okay. I'm going to next show you  
25 another document.

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1 believe, not -- program or something like that.

2 I just -- I can't remember the entire details,  
3 but -- and I was to reach out to my assistants  
4 to -- anyway, to see if I could -- if they  
5 apply, we could participate with them. But,  
6 again, I can't recall the complete subject of  
7 the e-mail.

8 Q I'm going to show you another document.

9 I'd like for the court reporter to mark  
10 this document as Plaintiff's Exhibit 555.

11 (Whereupon, Plaintiff's Exhibit  
12 Number 555 was marked for  
13 identification.)

14 BY MS. HAMILTON:

15 Q And, Ms. Futch, I'm now showing you  
16 Plaintiff's Exhibit 555. This is an e-mail  
17 dated February 26th, 2020 from you to Vickie  
18 Cleveland with the subject line, therapeutic  
19 services grant. The Bates number for this  
20 document is GA00097408.

21 Do you recognize this document?

22 A Yes.

23 Q Okay. What is the therapeutic services  
24 grant?

25 A It's additional -- okay. So that

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1 should have been mentioned before when you asked  
2 me about funding.

3 There is an additional therapeutic  
4 services grant that some of us get, but we had  
5 to ask -- you know, basically just send an  
6 e-mail to ask if -- I don't know where the money  
7 came from -- but anyway, it's a pot of money  
8 that they have.

9 And so it's to provide additional  
10 therapeutic services to our students. Okay? So  
11 it can only be used for that, you know? It's  
12 very specific as to what it can be used for and  
13 then we have to submit logs every month, you  
14 know, for that.

15 So I used it to fund LPC's for students  
16 to get intensive counseling.

17 Q Okay. And who funds the therapeutic  
18 services grant?

19 A It comes from the DOE. I'm not sure  
20 how it's funded. It may be state money, I'm not  
21 sure, it may be -- I don't know.

22 Q Okay. You mentioned here that your,  
23 quote, therapeutic services providers would no  
24 longer be getting the grant that they have been  
25 receiving to offset CAG METS costs to provide

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1                   So, but when I -- community  
2 partnerships, I mean, you know, those outside  
3 community agencies with counseling providers and  
4 such that we work with.

5                   Q     And the counseling providers that you  
6 listed a moment ago, are those services provided  
7 that you-all have arranged or is it just a  
8 continuation of services that students were  
9 already receiving?

10                  A     It's just a continuation of services  
11 for continuity purposes, you know, they meet  
12 with us and staff and, you know, that. So, no,  
13 we did not arrange these services.

14                  Q     Okay. Are you familiar with the APEX  
15 program?

16                  A     I am.

17                  Q     Okay. What is APEX?

18                  A     APEX is a portion of DBHDD, and  
19 currently, they are providing mental health  
20 counseling or counseling to students within our  
21 local educational settings.

22                  Q     Can students in your GNETS program  
23 access APEX services?

24                  A     They cannot.

25                  Q     And how do you know that?

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1           A     I know that because we've gone back and  
2 forth with each system. I mean, I've tried it  
3 at various systems and because I already know  
4 the answer but I figured, well, maybe they don't  
5 know and I'll -- and I'll try that, so -- and --  
6 but I was told that -- and I'm not the only  
7 GNETS director -- we were told -- multiple GNETS  
8 directors have been told this -- that APEX,  
9 those counselors, that money, I mean, cannot be  
10 used to serve GNETS students, only, you know,  
11 students in the local educational setting.

12           Q     Okay. And who told you this?

13           A     Okay. So I was told -- the first time  
14 I was told that was from was from about  
15 three years ago, four years ago, maybe, from the  
16 -- I can't remember her name -- but she was the  
17 McIntosh County APEX person. You know, she  
18 wasn't licensed, and most of them that I have  
19 found, some of them are licensed, some -- the  
20 majority here are not. It's, you know -- maybe  
21 they're working toward it or whatever.

22                   But, so I was told by her and then  
23 if -- I was told by Viewpoint, and I can't  
24 remember which person it was but it was during  
25 one of our meetings where we brought -- I

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1       brought APEX up and they were like, you know,  
2       there was a meeting and we were told, I don't --  
3       you know, like I said, I don't know the girl's  
4       name, but they told me as well that they could  
5       not use APEX money on GNETS students.

6           Q       Are there any therapeutic services that  
7       you wish you could offer to your students but  
8       cannot right now?

9           A       Yeah. I would like a school-based  
10       mental health program, mental health, yeah. I'd  
11       like a psychiatrist, even if it's telehealth.

12               And I have been successful, up until I  
13       would say last year, I mean, we did have  
14       telehealth going but the problem is, with  
15       staffing everybody had a problem with staffing,  
16       so we couldn't keep one consistent psychiatrist  
17       with telehealth so they were changing over and  
18       over and the kids and the parents were becoming  
19       frustrated so they had to keep telling their  
20       story, you know, and -- so, yeah, absolutely, I  
21       would like that. I would like to have a  
22       school-based, you know, mental health program.

23               And, you know, quite frankly, my vision  
24       of GNETS is, you know, where I actually have a  
25       mental health staff and an educational staff, or

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1 require GNETS when they came back, you know, and  
2 so there's often some disagreement with that.

3 Q Okay. I'd like to show you one more  
4 document connected to this process, and I  
5 believe you referenced this while we were  
6 talking earlier.

7 I'd like for the court reporter to mark  
8 this as Plaintiff's Exhibit 559.

9 (Whereupon, Plaintiff's Exhibit  
10 Number 559 was marked for  
11 identification.)

12 BY MS. HAMILTON:

13 Q And, Ms. Futch, I'm now showing you  
14 Plaintiff's Exhibit 559. It's titled the GNETS  
15 Guiding Questions for Considerations for GNETS  
16 Services.

17 This is a document that we received in  
18 response to Item Number 7 in the United States  
19 subpoena for production of documents.

20 I'm just going to quickly scroll down  
21 so you can see it in full.

22 Do you recognize this document?

23 A Yes.

24 Q And I should note just for our internal  
25 numbering that we have this as Coastal Academy

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1 003008.

2                   What is this document?

3                   A     So this is just a guiding question for  
4 the LEA's to consider before sending a student  
5 to us.

6                   And I will say that, you know, this  
7 evidence-based intervention piece is a problem  
8 and that's disagreed on before. They don't --  
9 there's some systems that don't quite understand  
10 SDI or evidence-based interventions and -- from  
11 the behavior standpoint, you know, SEL, and, you  
12 know, often I question whether or not that's  
13 actually been provided.

14                  You know, where's that teaching aspect?  
15 How did you teach the skill? You know, what  
16 behavior space intervention. What -- you know,  
17 are you providing any kind of social emotional  
18 learning? And everybody's going to check in,  
19 check out, well, that is -- that is fine. That  
20 is absolutely great, but it ain't working if  
21 you're referring them to me.

22                  So, I mean, have we -- you know, where  
23 is that teaching? Are how are we going back and  
24 intervening and teaching what's needed to be  
25 taught with behavior.

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1 gets us all, you know, even me sometimes. I  
2 know some really good interventions that -- and  
3 I'm not saying that I don't -- I mean, that I  
4 always use evidence-based, I mean, but I do  
5 evidence-based interventions with all students  
6 but I also use other interventions that I know  
7 work as well and may not be on those, you know,  
8 websites, What Works Clearinghouse or the -- you  
9 know, the other two or three that we out there  
10 that we check out.

11 Q And I just want to confirm, is this  
12 another document similar to the document -- the  
13 other documents that we just reviewed that was  
14 created by the -- one of the strategic planning  
15 committees?

16 A Yes.

17 Q And is this another document that the  
18 state DOE has shared with the GNETS program?

19 A Yes. They shared that entire packet at  
20 one GNETS directors meeting and, you know, when  
21 it was first shared it had big draft written  
22 across, you know, that we could make copies, and  
23 then it was all e-mailed to us.

24 Q Are there any consequences for not  
25 following -- for not utilizing the guiding

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1 A Yes.

2 Q Okay. How many instances would you say  
3 that that occurred?

4 A One time.

5 Q One time?

6 A Uh-huh.

7 Q And was that while you were the  
8 director -- director in your current capacity?

9 A Yes.

10 Q Okay. Do you know who the state member  
11 was?

12 A Zelphine Dixon when she was in her role  
13 as director, state director of special  
14 education.

15 Q Okay. And other than that instance,  
16 are you aware of any other instances in which  
17 the state participated in an IEP team decision?

18 A No.

19 Q Okay. And has the state ever  
20 encouraged you to make a placement decision  
21 contrary to the IEP team's recommendation?

22 A No.

23 Q Okay. And lastly, we discussed a few  
24 documents, they were the Coordination of  
25 Services Flow Chart, the Request For GNETS

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1 Consultation, the Confidential Student  
2 Information Packet, and The Guiding Questions  
3 For Consideration of Services.

4 A Yes.

5 Q And I believe you testified that you  
6 were told to use these documents by the Georgia  
7 Department of Education; is that right?

8 A We were -- again, the committee was set  
9 up as -- also that strategic plan, developed  
10 those documents.

11 They were provided to us from Pat Wolf,  
12 who was a GNETS director at one of the GNETS  
13 directors meetings to discuss with draft  
14 written, and then they were sent to us via  
15 e-mail from the DOE.

16 And so I -- and honestly, I did testify  
17 that I was told and so -- and, again, I recall  
18 them saying we -- you know, all -- you know,  
19 them being discussion taking place at that  
20 particular GNETS directors meeting among the  
21 directors and DOE and us making a  
22 recommendation, you know, that we were -- and,  
23 you know, DOE, you know, to use these moving  
24 forward.

25 And then we did and that e-mail came

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1 from DOE to do so -- I mean, to -- with these  
2 documents attached.

3 Q Okay. Do you understand it to be a  
4 requirement from DOE to use the documents?

5 A Yes. I felt like it was a requirement.  
6 I do understand it that way.

7 Q Okay. And is there any written policy  
8 or anything other than the e-mail that you  
9 referenced in support of it being a requirement?

10 A No. I think the language in the  
11 strategic plan is something along the side,  
12 having uniformity, documents or whatever, but I  
13 don't know of anything else, no.

14 Q Okay.

15 A Well, we did have a Microsoft -- yeah.  
16 The DOE had set up, during that time, like a one  
17 book or one notebook, Microsoft something or  
18 another, I can't remember. We all had access to  
19 it. It was called the GNETS Director's Notebook  
20 and those documents were in there, you know, the  
21 documents that, you know, GNETS resources and --  
22 but those documents were in there listed as, you  
23 know, consideration of services, documents,  
24 forms, or whatever how they were saved, they  
25 were, you know, in there -- that notebook. I

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1 don't know if I -- I may still actually have  
2 access, but I don't know.

3 But anyway, it was -- that was, I  
4 think, set up -- I don't know who set that up,  
5 but we all had, you know, access, so...

6 Q Okay. Thank you. And the last topic  
7 that we talked about was the restraint policy.

8 A Yes.

9 Q And I believe you said you submitted  
10 that to the RESA for approval; is that right?

11 A Yes. It went to -- once that was  
12 written, it was -- it goes to the executive  
13 director of RESA and then he presents it to the  
14 Board of Control to approve, yes.

15 Q Did you submit it to the state for  
16 approval?

17 A No. But I do upload it every year with  
18 my grant application.

19 Q Okay. Okay.

20 MS. JOHNSON: That takes care of  
21 all of my questions, Ms. Futch. I  
22 really appreciate your time.

23 THE WITNESS: Okay.

24 MS. HAMILTON: And I just want to  
25 note one more thing for the record.